

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Monday, July 16, 2007 –10:00 a.m. – Room W140 House Building

Members Present:

Sen. D. Chris Buttars, Chair
Sen. Gregory S. Bell
Sen. Mike Dmitrich
Sen. Lyle W. Hillyard
Sen. Michael G. Waddoups

Staff Present:

Ms. M. Gay Taylor, General Counsel
Mr. Jerry D. Howe, Policy Analyst
Ms. Brooke Ollerton, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Buttars called the meeting to order at 10:05 a.m. and committee members and staff introduced themselves.

MOTION: Sen. Bell moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Mr. May. The motion passed unanimously.

MOTION: Sen. Dmitrich moved to open the meeting. The motion passed unanimously.

2. Interview of Mr. Mark W. May

Mr. May was placed under oath. He introduced his family and offered a statement about his personal background, education, and legal career.

Sen. Hillyard complimented Mr. May on his career.

Sen. Bell reviewed a number of cases in which Mr. May was involved and asked for his thoughts on them. Mr. May outlined his involvement in each case.

Sen. Bell asked whether Mr. May could be objective after prosecuting so many high profile cases at the Utah Attorney General's office. Mr. May replied that he will take an oath to do so and that his responsibility would change from being an advocate to being an impartial judge.

Sen. Waddoups asked if there was anything in Mr. May's background or private life which, if it had occurred as a judge, would be cause for dismissal. Mr. May replied that there was not. Sen. Waddoups commented that after hearing comments from Mr. May's peers, he believed that Mr. May would not be an activist judge. Mr. May replied that he believed the power to make laws belongs to the Legislature's.

Chair Buttars asked if Mr. May could take an impartial position as a judge after working as a prosecutor for the state. Mr. May said that he could.

3. Other Items / Adjourn

MOTION: Sen. Dmitrich moved to recommend to the full Senate the confirmation of Mr. May as a judge in the Third District Juvenile Court. The motion passed unanimously.

MOTION: Sen. Hillyard moved to adjourn. The motion passed unanimously.

Chair Buttars adjourned the meeting at 11:12 a.m.